

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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INTERNATIONAL CODE COUNCIL, INC.,  
  
Plaintiff,  
  
- against -  
  
UPCODES, INC., et al.,  
  
Defendant.

17 Civ. 06261 (VM)  
20 Civ. 04316 (VM)  
22 Civ. 10815 (VM)

ORDER

**VICTOR MARRERO, United States District Judge.**

Upon review of the complaints and other papers filed with the Court in connection with the cases captioned above, the Court noted that in all material respects the complaints describe the same or substantially similar underlying events arising out of the same or substantially similar operative facts, and assert the same or substantially similar claims against the same or substantially similar defendants. Accordingly, it is hereby

**ORDERED** that the Clerk of Court is directed to consolidate these actions for pretrial purposes; and it is further

**ORDERED** that all filings in connection with the consolidated action be docketed against the lowest numbered case, 17 Civ. 06261; and it is further

**ORDERED** that the Clerk of Court close the above-referenced higher numbered case, 22 Civ. 10815, as a separate

action and remove it from the Court's docket; and it is further

**ORDERED** that the Court adopts the scheduled proposed by the parties in their Joint Letter Motion to Consolidate Cases (Dkt. No. 141) and as set forth below:

<b>Event</b>	<b>Deadline</b>	<b>Days Before Trial</b>
Defendants' Response to Complaint in Second Copyright Case	February 10, 2023	
Opening of Fact Discovery in Second Copyright Case	February 17, 2023	
Substantial Completion of Document Production in False Advertising Case and Second Copyright Case	July 31, 2023	
Close of Fact Discovery in False Advertising Case and Second Copyright Case	November 17, 2023	
Opening Expert Reports from Party Bearing Burden of Proof in False Advertising Case and Second Copyright Case	February 2, 2024	
Rebuttal Expert Reports in False Advertising Case and Second Copyright Case	March 15, 2024	
Close of Expert Discovery in False Advertising Case and Second Copyright Case	May 3, 2024	
Motions for Summary Judgment in False Advertising Case and Second Copyright Case	June 21, 2024	
Oppositions to Motions for Summary Judgment in False Advertising Case and Second Copyright Case	July 19, 2024	

Event	Deadline	Days Before Trial
Replies in Support of Motions Summary Judgment in False Advertising Case and Second Copyright Case	August 2, 2024	
Parties to exchange * list of claims * contentions of fact * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict forms	November 14, 2024 or 60 days after a decision on all dispositive motions, whichever is later <sup>1</sup>	91 days before trial
Parties to exchange objections to * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict form	November 28, 2024	81 days before trial
Parties to complete meet and confer regarding list of claims and contentions of fact, and objections to * witness list * exhibit list * deposition designations * proposed jury instructions * proposed verdict form	December 9, 2024	70 days before trial
Parties to Confer to Attempt to Agree on Stipulations of Fact and Admissibility	December 13, 2024	66 days before trial
Motions in Limine	December 19, 2024	60 days before trial
Joint Pretrial Order	January 9, 2025	39 days before trial

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<sup>1</sup> If after November 14, 2024, all subsequent dates will be pushed back to keep the same number of days before trial.

Event	Deadline	Days Before Trial
Each Party's Pretrial Memorandum with Brief Discussion of the Issues to Be Tried and Authorities Relied Upon	January 9, 2025	39 days before trial
Joint Proposed Voir Dire	January 9, 2025	39 days before trial
Joint Proposed Request to Charge	January 9, 2025	39 days before trial
Joint List of Individuals, Companies and Other Entities that May Appear as Witnesses or Otherwise Be Referred to During Trial	January 9, 2025	39 days before trial
Joint Proposed Verdict Form	January 9, 2025	39 days before trial
Oppositions to Motions in Limine	January 9, 2025	39 days before trial
Reply Briefs on Motions in Limine	January 23, 2025	25 days before trial
Final Pretrial Conference	January 31, 2025	17 days before trial
Requests to Bring Computers into Courthouse	February 5, 2025	12 days before trial
Trial	February 17, 2025 (Estimated 20 days)	

**SO ORDERED.**

Dated: 13 January 2023  
New York, New York

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Victor Marrero  
U.S.D.J.